THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12180 of 2007

Order:

The petitioner states that earlier he worked as contract labour in the respondents-APSPDCL from 01.08.1996 to 31.08.1996, 15.04.1997 to 12.05.1997 and 13.05.1997 to 31.05.1997. The case of the petitioner is that pursuant to the notification dated 14.05.2001 issued by the respondents-APSPDCL, he applied for the post of LDC-cum-Typist, and attended for the interview conducted on 22.08.2003. But, respondent No.2, by orders dated 22.08.2006, rejected his case on the ground that "the details of agreement numbers and M-Books are not mentioned in the service certificate". Aggrieved by the said rejection orders, he filed a Writ Petition being W.P. No. 19909 of 2006, and this Court, by order dated 14.11.2006, quashed the said rejection orders and directed the respondents-APSPDCL to reconsider the case of the petitioner. Now, the grievance of the petitioner is that respondent No.1, without properly considering his case, has issued the impugned orders dated 02.02.2007, rejecting his candidature for appointment to the post of LDC-cum-Typist on the grounds which are totally different from the grounds raised in the earlier rejection order. Hence, he filed the present writ petition.

Learned counsel for the petitioner submits that as per the directions of this Court, the petitioner has submitted the particulars of agreement numbers and M-Books showing that he was working as contract labour as on 18.05.1997, and he possessed the requisite educational qualifications for applying to the post of LDC-cum-Typist, but respondent No.1, without properly appreciating the same and

without considering the case of the petitioner as per the directions of this Court, simply rejected his case on the grounds that he is not on rolls as on 18.05.1997 and that he did not posses the requisite educational qualifications as on the date of his first engagement, which is illegal and arbitrary.

On the other hand, learned Standing Counsel for the respondents-APSPDCL submits that pursuant to the directions of this Court the case of the petitioner was reconsidered by the respondents-APSPDCL, and since the petitioner failed to establish that he was working as contract labour as on 18.05.1997 and he did not possess the requisite educational qualifications as on the date of his first engagement in terms of B.P. Ms. No.36, dated 18.05.1997 read with B.P. Ms. No.271, dated 31.12.1997, his case was rejected by the impugned order, hence, no interference is called for therewith. He, thus, prays to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSPDCL.

A perusal of the record would show that though the petitioner contends that he is working as contract labour as on 18.05.1997, and he possessed requisite educational qualifications for applying to the post of LDC-cum-Typist, the fact remains, the petitioner has not placed any material to show that he had worked under a contractor during the relevant period, and further he did not possess the requisite educational qualifications as on the date of his first engagement i.e., 01.08.1996 and that he acquired the graduation qualification in September 2000 and typewriting qualification in January 1997.

As per B.P. Ms. No.36, dated 18.05.1997 read with B.P. Ms. No.271, dated 31.12.1997, the essential requirements to consider the candidature of a contract labour is that he should have been working

as a contract labour as on 18.05.1997 and possess requisite educational qualifications as on the date of his first engagement as contract labour. Since the petitioner failed to establish that he was working as contract labour as on 18.05.1997 and he possessed the requisite educational qualifications as on the date of his first engagement, no exception can be taken to the impugned order passed by the respondents-APSPDCL, rejecting the case of the petitioner, for absorption in the post of LDC-cum-Typist in terms of B.P. Ms. No. 36, dated 18.05.1997.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 20th July, 2007
KSR